IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 289 OF 2007

Rashmi Dipak Vegda .. Petitioner

V/s

State of Maharashtra & Ors. .. Respondents

Ms. A.V. Latne for the Petitioner.

Mr.C.R. Sonawane, A.G.P. for Respondents No.1 to 3.

Respondent No.4 is served.

CORAM : H.L. GOKHALE, ACG. CJ. &
V.M. KANADE, J.

DATE : 18TH JANUARY 2007

P.C. :

1. Heard Ms.Latne in support of this petition. Mr.Sonawane, A.G.P. appears for Respondents No.1 to 3. Respondent No.4 has been served and Ms.Latne states that an affidavit of service will be filed during the course of the day.

2. Rule. Rule is made returnable forthwith.

3. The Petitioner claims to belong to Hindu Meghval community which is a scheduled caste. She does have the caste certificate and she applied for the scrutiny thereof on 20th June 2004. She passed the XII standard

examination in March 2005. The Scrutiny Committee has yet not scrutinised her application.

4. The Petitioner has been admitted on a scheduled caste seat in the Bombay College of Pharmacy. As per the rules, she is required to get the caste validity certificate within 12 weeks from the date of admission otherwise her admission is liable to be cancelled. It clearly appears that it is for no fault of hers that the decision is not coming. Affidavit has been filed to point out that her father has been approaching the concerned office from time to time to get the claim decided. It is quite possible that the concerned office is having a number of matters and may be because of that, the Petitioner’s application is yet not decided. The Petitioner cannot be made to suffer in such a situation.

5. In the circumstances, we allow this petition and direct the Scrutiny Committee to decide the application at the earliest and preferably within 3 months hereafter. In the meanwhile, the Petitioner’s education will not be discontinued. She will continue to be admitted in the 4th Respondent College. We make it further clear that in the facts of the present case, there appears to be some confusion as to whether the Petitioner belongs to Meghval or Vankar community

inasmuch as the Petitioner's relatives do have documents to show that they belong to Vankar community. Both are scheduled castes. This being the position, we expect the Scrutiny Committee to take an appropriate approach and not to go by technicality. We further add that in the event, the order, which would be passed, is adverse to the Petitioner, it will not be acted upon for a period of 8 weeks thereafter and until further orders are passed in the petition which the Petitioner would file against the order adverse to her.

6. Rule is made absolute as above.

ACTING CHIEF JUSTICE

V.M. KANADE, J.